



**Town of Barnstable**  
**Zoning Board of Appeals**  
**Agenda**  
**November 3, 2010**

The following hearings will be held at Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2<sup>nd</sup> Floor.  
Meeting notice previously filed with Town Clerk  
Last Revised 10-28-10

**Approval of Minutes from September 15, 2010**

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**Appeal Nos. 2010-034 and 045 (McCowan & Pelletier) should be called and heard together**

Staff Report and Application Materials enclosed

**7:00 PM      Appeal No. 2010-034 – Continued      McCowan Cotuit Trust – 1992  
Variance – Bulk Regulations**

Opened September 29, 2010, continued to November 3, 2010

No Members assigned. No testimony taken.

Decision Due December 8, 2010

The McCowan Cotuit Trust – 1992 has applied for a Variance to Section 240-14.E, Bulk Regulations, Minimum Lot Area and Minimum Lot Frontage and Section 240-36 Resource Protection Overlay District. The variance is sought to render the property a buildable lot for a single family dwelling. The subject lot was established in 1961, however, the establishment of the lot did not conform to the zoning requirements for a legally created lot and therefore the applicant seeks to now legalize the lot under zoning. The property is addressed 1372 Main Street, Cotuit, MA and is shown on Assessor's Map 033 as parcel 046. It is in a Residence F Zoning District.

**7:05 PM      Appeal No. 2010-045 – New      Pelletier Realty Trust  
Variance – Bulk Regulations**

Pelletier Realty Trust has applied for a Variance to Section 240-14.E, Bulk Regulations, Minimum Lot Area, Minimum Lot Frontage, and Minimum Yard Setbacks, and Section 240-36 Resource Protection Overlay District. The variance is sought to render the existing developed lot a legal lot under zoning. The subject lot was established in 1961, however, the lot did not conform to the zoning requirements for the district and therefore the applicant seeks to now legalize the lot under zoning. The property is

addressed 1376 Main Street, Cotuit, MA and is shown on Assessor's Map 033 as parcel 024. It is in a Residence F Zoning District.

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**7:15 PM      Appeal No. 2010-044 - New**

**Jempee Enterprises, Inc.  
Conditional Uses in the Highway Business**

Staff Report and Application Materials enclosed

Jempee Enterprises, Inc., lessee, d/b/a Subway Restaurant, has applied for a Special Permit pursuant to Section 240-25.C, Conditional Uses in the Highway Business Zoning District. The conditional use special permit is sought to allow a food service establishment in Units 5 and 6 of the Centerville Plaza. The property is located at 1661 Falmouth Road, Centerville, MA as shown on Assessor's Map 209 as parcel 087-001. It is in a Highway Business Zoning District.

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**7:20 PM      Appeal No. 2010-046 - New**

**Doherty  
Bulk Variance for a Shed**

Staff Report and Application Materials enclosed

Theodore L. Doherty & Christine S. Doherty as Trustees of the Doherty Family Trust have applied for a Variance to Section 240-14.E, Bulk Regulations, Minimum Yard Setbacks. The applicants are requesting a variance from the required 15-foot side and rear setbacks to allow construction of a 10 X 12 foot shed 6.8 feet off the rear property line and 3.9 feet off the side property line. The property is located at 97 Castlewood Circle, Hyannis, MA as shown on Assessor's Map 273 as parcel 053. It is in a Residence C-1 Zoning District.

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**7:30 PM      Comprehensive Permit No. 2005-013**

**Mill Pond Estates - Starboard, LLC  
Minor Modification Request**

By letter submitted from Attorney John W. Kenney dated October 26, 2010, Brian T. Dacey, Trustee of Osterville Landing Trust is seeking the Boards approval for the transfer of Comprehensive Permit No. 2005-013 "Mill Pond Estates" issued to Starboard, LLC., to Osterville Landing Trust LLC, a limited dividend organization. Comprehensive Permit No. 2005-013 granted the division of 2.81 acres into a 13 lot subdivision for the development of 11 single-family dwellings at 459 and 449 Old Mill Road, Osterville, MA. Three of the 11 dwellings are to be committed to affordable housing pursuant to MGL Chapter 40B, Section 20-23. This modification is being submitted as a minor modification as provided for pursuant to 760 CMR Section 56.05(11).

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**7:35 P.M.      Appeal No. 2010-043      - Continued**

**Oyster Harbors Club, Inc.  
Alteration & Expand Nonconforming Use**

Opened October 27, 2010, continued to November 3, 2010 - Continued to allow time for abutting neighbor to seek representation and summarize concerns.

Members assigned; Michael P. Hersey, Craig G. Larson, Alex M. Rodolakis, George T. Zevitas, Laura F. Shufelt - Associate Present; Brian Florence,

Decision Due; January 25, 2011

Oyster Harbors Club, Inc., has petitioned for a Special Permit pursuant to Section 240-93.B, Alteration and Expansion of a Nonconforming Buildings or Structures Not Used as Single- or Two-Family Dwelling, and Section 240-94.B, Expansion of a Pre-existing Nonconforming Use. The petitioner seeks to demolish an existing 571 square foot children’s play center and to reconstruct a larger, two-story structure of 2,506 square feet for the play center. The building and use is accessory to the principal nonconforming use of the property as a club house. The property is addressed 170 Grand Island Drive, Osterville, MA and is shown on Assessor’s map 053 as parcel 012-001. It is in a Residence F-1 Zoning District.

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**Open**            **Chairman’s Discussion**

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